## APPENDIX A.

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**Plaintiff's Exhibit 8 (R. 399.)**

ROBERT LAIRD
Consultant
50 East 42nd Street
New York 17, N. Y.
September 19, 1958

Mr. John H. Widdowson
1008 Bitting Bldg.
416 S. Market St.
Wichita, Kans.

Dear Mr. Widdowson:

I have just returned from a trip to Kansas City and while I there I telephoned the number for Mrs. Kathleen K. Wilkin in Wichita with regard to a letter which I had written to her on Sept. 9th which read as follows:

> "From time to time I am interested in new inventions where they have some possibility, and through a client of mine I learned about an invention which you have in the form of a sandwich grilling machine. I do not know exactly how it works and would be interested in obtaining a photograph of it or some descriptive matter on this cooker if possible.
>
> I would also like to know whether it is being marketed at the present time and whether anyone has been given any right to use it in the form of a license. I would also like to know whether you have a patent application pending or issued, and if I am interested in buying it I would like to know what claims have been allowed by the Patent Office."

I was not able to talk to Mrs. Wilkins but did talk with Mr. Wilkins who identified himself as her husband, and he suggested that I correspond with you that you would have

any information which might be of interest on this cooker, it might be possible to do something, and I would therefore appreciate your sending me some details such as I requested of your client.

Yours very truly,

ROBERT LAIRD.

**Plaintiff's Exhibit 9** (R. 400.)

September 23, 1958

Mr. Robert Laird, Consultant
50 East 42nd Street
New York 17, New York

Dear Mr. Laird:

This is in reply to your letter of September 19, 1958.

Mr. Wilkin told me that I might expect to hear from you.

When he has authorized me to do so, I will be happy to send you the desired information.

I believe that he is waiting for references, and an indication from you of what your plans are and what you can offer in regard to their sandwich and hot pie cooker.

Very truly yours,

JOHN H. WIDDOWSON.

JHW:se
cc: Mr. & Mrs. Wilkin

**Plaintiff's Exhibit 10** (R. 400-401.)

ROBERT LAIRD
Consultant
50 East 42nd Street
New York 17, N. Y.

September 29, 1958

Mr. John H. Widdowson
1008 Bitting Building
Wichita 2, Kans.

Dear Mr. Widdowson:

I spoke to you over the telephone from Kansas City last Friday regarding the letter which I had written to Mrs. Kathleen K. Wilkin on Sept. 9th, and which I quoted to you in my letter of September 19th which you acknowledged.

As I told you, I had heard about this device, and it appeared from what I heard that it might have some possibilities and that I might even be interested in buying the patent application, but as a patent attorney I am sure you will realize that I only heard about it and actually know nothing about the invention and I would therefore like to obtain something describing the device and how it works; also whether it has ever been marketed and any other information available, and since Mrs. Wilkin is fully protected by the patent application which has been filed, I do not see why she or her husband would have anything to worry about.

In any event, if they do not wish to give any information about this to someone who might be a prospective buyer then I would appreciate some word from you to that effect.

Yours very truly,

ROBERT LAIRD.

b

cc: Mr. and Mrs. Wilkin

**Plaintiff's Exhibit 11** (R. 401-402.)

October 2, 1958

Mr. Robert Laird, Consultant
50 East 42nd St.
New York 17, New York

Dear Mr. Laird:

Enclosed please find a copy of the Wilkin application for patent, the specification thereof and the two sheets of drawings. They are descriptive of the apparatus.

The method of making a fruit, etc., filled pie, that is, even heating from both sides, can and should be protected by a patent application and patent, if possible. Such a process has not been disclosed in the prior art to date to our knowledge.

Claims have not been allowed in the pending patent application as yet, but commercial success should lead to such without question.

It is not that Mr. and Mrs. Wilkin are worried about making disclosure to you, particularly since they have a pending patent application, but Mr. Wilkin is considering merchandising the article himself. This will be held in abeyance temporarily until you have an opportunity to consider the matter, and decide whether or not you want to make an offer. The Wilkins would sell their rights outright, or for a sum certain plus royalty based on the amount of merchandising, and of course, with a guaranteed minimum annual royalty.

Please consider at your early convenience, and let me know your decision.

Very truly yours,

JOHN H. WIDDOWSON.

JHW:so
Encl.
cc: Mr. & Mrs. Wilkin

**Plaintiff's Exhibit 12** (R. 402-403.)

INTERNATIONAL SERVICE CORPORATION
Specializing in Services for Patent and Trade Mark
Attorneys and Patent Departments
11 West 42nd Street
New York City, 36
Telephone Pennsylvania 6-9387

October 7, 1958

Mr. Neil M. Rose
Sunbeam Corporation
5600 Roosevelt Road
Chicago 50, Ill.

Re-Sandwich Grilling Machine

Dear Mr. Rose:

We have now had further word from Mr. Widdowson, the attorney in Wichita, Kansas, for Mrs. Wilkin, and in order that you may know what he has to say, we quote his letter in full:

"Enclosed please find a copy of the Wilkin application for patent, the specifications thereof, and the two sheets of drawings. They are descriptive of the apparatus.

The method of making a fruit filled pie, that is, even heating from both sides, can and should be protected by patent application and patent if possible. Such a process has not been disclosed in the prior art to our knowledge.

Claims have not been allowed in the pending patent application as yet, but commercial success should lead to such without question.

It is not that Mr. and Mrs. Wilkin are worried about making disclosure to you, particularly since they have a pending patent application, but Mr. Wilkin is considering merchandising the article himself. This will be held in abeyance temporarily until you have an opportunity to consider the matter and decide whether or not you wish to

make an offer. The Wilkins would sell their rights outright or for a sum certain plus royalty based on the amount of merchandising, and of course with a guaranteed minimum annual royalty.

Please consider this and let me know at an early date."

The copy of the application, and the specifications and drawing are enclosed herewith for your guidance, and we have also again asked Mr. Widdowson to let us know whether the Wilkins have a working model of this article and if so where it can be seen. In the meantime, we would like to have your comments on this matter.

Yours very truly,

INTERNATIONAL SERVICE CORPORATION,
U. O. CUMMING,

*President.*

MA/1
encl.

**Plaintiff's Exhibit 13** (R. 403.)

ROBERT LAIRD
Consultant
50 East 42nd Street
New York 17, N. Y.

October 7, 1958

Mr. John H. Widdowson
1008 Bitting Bldg.
Wichita 2, Kansas

Re-Wilkin application

Dear Mr. Widdowson:

Thank you very much for your letter of October 2d enclosing the copy of the Wilkin application for patent, the specifications and drawing thereof.

However, I would still like to know whether Mrs. Wilkin has a working model of this device and if so where can it be seen.

Yours very truly,

ROBERT LAIRD.

b

**Plaintiff's Exhibit 14** (R. 404.)

October 13, 1958

Mr. U. O. Cumming, President
International Service Corporation
11 West 42nd Street
New York City 36, N. Y.

Dear Mr. Cumming:

Thank you for your letter of October 7 regarding the information you have obtained from Mr. Widdowson, the attorney for Mrs. Wilkin.

Our state of the art and validity studies on the type of appliance described in Mrs. Wilkin's patent application has led us to the conclusion that neither Mrs. Wilkin nor anyone else will obtain any significant patent protection on this type of appliance. In view of this conclusion, we feel that further dealings with Mrs. Wilkin or her attorney would be rather pointless.

We are, therefore, returning the copy of Mrs. Wilkin's patent specification. Please terminate your investigation by returning this material to Mr. Widdowson and inform him that we have no further interest in this development. Since we have observed a demonstration of the device more than a year ago, we have no interest in locating a model of the device.

In that this matter may now be considered closed, you may bill us for your services rendered.

Yours very truly,

SUNBEAM CORPORATION,
NEIL M. ROSE.

NMR:rh

**Plaintiff's Exhibit 15** (R. 404-405.)

ROBERT LAIRD
Consultant
50 East 42nd Street
New York 17, N. Y.

October 15, 1958

Mr. John H. Widdowson
1008 Bitting Bldg.
Wichita 2, Kans.

Dear Mr. Widdowson;

Referring again to your letter of October 2d, I return to you herewith the copy of the Wilkin application for patent and specifications thereof and two sheets of drawings which you sent me with your letter.

I am sorry to inform you that the individual who was interested with me in this matter has no further interest in this development and therefore we can consider the matter closed for the present.

If however, any further interest should arise in this device in the future, I will be glad to get in touch with you again.

Yours very truly,

ROBERT LAIRD

b
encl

**Plaintiff's Exhibit 17** (R. 405.)

October 20, 1958

Re: Wilkin Patent Application

Mr. Robert Laird, Consultant
50 East 42nd St.
New York 17, New York

Dear Mr. Laird:

In reply to your letter of October 7, 1958, the Wilkins have a working model of the device here in Wichita where it can be seen.

Please contact the Wilkins.

Very truly yours,

Original signed by John H. Widdowson
JOHN H. WIDDOWSON

JHW:se
cc The Wilkins

## APPENDIX B.

**Defendant's Exhibit W** (R. 444.)

KINGSLAND, ROGERS & EZELL
Counsellors at Law
Guild Building, Clayton
7912 Bonhomme Avenue
Saint Louis 5, Missouri

April 8, 1958

Mr. Sandy Wilkin
709 Drury Lane
Wichita 18, Kansas

Dear Mr. Wilkin:

Re: Your Cooking Unit,
Docket 6970

Mr. Mozley, of Star Manufacturing Company, has consulted with us in respect to the patentable aspects of your cooking unit. We have inspected the model and the application papers left with him.

In order to draw some conclusion as to patent possibilities, we need for review the results of your preliminary search, a copy of the claims being prosecuted, and a copy of the Patent Office action, if any, together with copies of the patents cited therein. All of the material will be returned. We suggest that this request be turned over to your patent attorney, hence, an extra copy of this letter is enclosed. We should also like to have Mr. Widdowson tell us what is considered novel.

By way of background, how did Mrs. Wilkin conceive the instant unit? We are familiar with waffle irons and sandwich grills having top and bottom heating plates, and with baked half or whole "moon" closed pies. From Mr.

Mozley's description, your unit makes a delicious closed pie from ordinary white bread slices and filler. What cooking technique accomplishes this? Is there some relation between sealing the pie or sandwich during cooking and applying heat from top and bottom through rather than to the surfaces?

We are searching for something patentwise beyond the physical details of the unit, for from the nature of the device, it is important to obtain all patent protection possible. Expensive promotion will be required, as Mr. Mozley explained to you, hence, patent protection should be available against copying, particularly since the commercial field is limited.

It is hoped that you and Star Manufacturing Company can find a basis for a mutually profitable undertaking. Your prompt furnishing of the requested information and material will contribute to this end.

Cordially yours,

ESTILL E. EZELL

EEE:m
Extra cc
cc: Star Mfg. Co.

**Defendant's Exhibit Y** (R. 445-447.)

April 17, 1958

Re: Baking and/or Grilling Means
Kathleen K. Wilkin
Your Docket 6970 for Star Mfg. Co.

Registered, Return Receipt Requested
Estill E. Ezell, Esq.
7912 Bonhomme Avenue
St. Louis 5, Missouri

Dear Mr. Ezell:

Mr. Sandy Wilkin of 709 Drury Lane, Wichita 18, Kansas, has turned your letter to him of April 8, 1958 over to me for answering.

Enclosed please find the following:

1. A copy of the claims as originally filed in the application above identified.

2. A copy of the first Office action in the application, Paper No. 3.

3. A copy of an Amendment in answer thereto, dated September 18, 1957.

4. A copy of a Letter to the Chief Draftsman, dated September 18, 1957.

5. A copy of a second Office action in the application, Paper No. 6.

6. Soft copies of the following patents:

1,900,619
1,915,962
2,376,585
2,463,439
2,587,314
1,757,334
1,493,925
1,534,430
1,969,361

The enclosures should make you a complete file on the patent application, amendments therein, and Office actions taken therein.

Novelty is believed to be present in the specific structure of the device shown in the drawings, providing for baking or cooking a fruit or meat filled pie-type food product with heat applied evenly from both the top and the bottom, and upon review it is believed that perhaps broader patent protection can be obtained than is currently being sought.

Mrs. Wilkin was familiar with and had used the device of the Streitelmeier Patent No. 2,463,439 (enclosed). It is inconvenient, and has two major disadvantages. The Streitelmeier device is very slow in use, particularly if two or more persons are to be fed, and the heating for baking or cooking is very uneven and hard to control, since it is heated in use only on one side over a flame or on a burner. Mrs. Wilkins wanted speed, convenience, and reliability. The unit built and used in accordance with the application, and after filing of the application, the model with which you are familiar, has been found to make a superior sandwich and especially a superior fruit, etc., filled pie, both as to consistency of the cooked or heated filling and even browning of the crust on both sides.

We have been aware of the possibilities of obtaining a method patent, such being considered good in view of the far superior pie product produced. However, Mr. and Mrs. Wilkin have not been in a financial position to proceed with this phase of protection by proper procedures. None of the prior art of record refers to or suggests baking a sealed fruit, etc., filled pie with heat applied from both top and bottom.

I have examined the Streitelmeier patent for possibility of infringement, and it is my opinion that all of the claims therein are materially limited structurally so that manufacture and sale of the Wilkin device would not infringe the patent.

Personally, it is my opinion that the Wilkin device would have great success commercially, that is, to provide a hot pie for carry-out sandwich shops which can be carried home and eaten while remaining hot. Star Manufacturing

Company and the Wilkins should be able to arrive at a mutually profitable arrangement. The Wilkins will be very reasonable, I am sure, realizing that a lot of development and promotion will be necessary, and they will be willing to have Star Manufacturing Company and you take over the procedures for protecting the inventions as should be done, for such will be to the benefit of all parties concerned.

When you have finished with the enclosed material, please return it to me, and we would appreciate your early consideration and reply.

Very truly yours,

John H. Widdowson.

JHW:se
Encls.
cc Mr. and Mrs. Sandy Wilkin

**Defendant's Exhibit Z** (R. 447.)

(Letterhead of Kingsland, Rogers & Ezell, Saint Louis 5, Missouri.)

April 30, 1958

Mr. John H. Widdowson
1008 Bitting Building
Wichita 2, Kansas

Dear Mr. Widdowson:

Re: Application of Mrs. Wilkin,
Our Docket 6970

Thank you for your letter of April 17 and enclosures concerning the above matter.

As requested, the material will be returned to you shortly.

Very truly yours,

EEE:m

Estill E. Ezell.

**Defendant's Exhibit AA** (R. 448.)

STAR MANUFACTURING COMPANY
Division of Hercules Galion Products, Incorporated
6300 St. Louis Avenue
St. Louis 20, Mo.

12 May 1958

Mr. S. M. Wilkin, Jr.
2715 East Kellogg Street
Wichita 16, Kansas

Dear Sandy—

We have received the opinion of our patent attorney and since it is his belief that your "flying saucer" is not patentable, we are returning it to you.

It does a wonderful job of cooking but without a patent, the cost of promotion would be too great.

Many thanks for considering us and I am just sorry that nothing could be worked out.

Sincerely,

STAR MANUFACTURING COMPANY
William Moran,
Sales Manager.

WM:lb

**Defendant's Exhibit BB** (R. 448-449.)

(Letterhead of Kingsland, Rogers, & Ezell, Saint Louis 5, Missouri.)

May 21, 1958

Mr. John H. Widdowson
1008 Bitting Building
Wichita 2, Kansas

Dear Mr. Widdowson:

Re: Baking and/or Grilling Means
of Kathleen E. Wilkin

Mr. Mozley, General Manager of Star Manufacturing Company, has requested us to return to you the material furnished for our consideration, including the following:

1. A copy of the specification and claims originally filed;
2. A copy of the drawings (2 sheets);
3. A copy of the first Office action, dated April 9, 1957;
4. A copy of a Letter to the Chief Draftsman, dated September 18, 1957;
4. A copy of a Letter to the Chief Draftsman, dated September 18, 1957;
5. A copy of a second Office action, dated March 19, 1958;
6. Soft copies of the following patents:

| | |
|---|---|
| 1,493,925 | 1,915,962 |
| 1,534,430 | 1,969,361 |
| 1,751,334 [1,757,334] | 2,376,585 |
| | 2,463,439 |
| 1,900,619 | 2,587,314 |

Mr. Mozley has concluded, after careful investigation, that his company is not interested in marketing Mrs. Wilkin's device.

Your cooperation in furnishing us with the enclosed material is very much appreciated.

Cordially yours,

EEE:m
Encls.
cc: Star Mfg. Co.

ESTILL E. EZELL.